C.S.100 — SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

W.P.No.2149 / 2006

Petitioner : Niraj Sharma S/o Shri Surendra Kumar Sharma, Aged about 25 years, R/o At Post Gharghoda, District Raigarh (C.G.)

Versus

Presented by Shri Kuna Das
22/4/06
date

Respondents :

1) State of Chhattisgarh – Through the Secretary, Panchayat Avum Gramin Vikas Vibhag Mantralaya, DKS Bhawan, Raipur (C.G.)

2) Nagar Panchayat, Gharghoda through its Chief Executive Officer, Nagar Panchayat, Gharghoda, District- Raigarh (C.G.)

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. NO 2149/06 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	08/01/2007 Shri P, Diwakar, Sr. Advocate with Shri P.K. Bhaduri, counsel for the petitioner. Ku. Dipali Pandey, Panel Lawyer for respondent No.1/State. Shri Manish Sharma, counsel for respondent No.2. Heard. On 16/03/2006 respondent No.2 issued auction notice for recovery of Environmental Fee (*Paryavaran Shulk*) and fixed security amount - Rs.20,000/- (Rupees twenty thousand only). For collection of *Paryavaran Shulk* for 01/04/2006 to 31/03/2007, a separate document stipulating various conditions was also issued. Petitioner gave the highest bid and that was accepted and contract was awarded to the petitioner. Thereafter, agreement was entered in between the petitioner and respondent No.2. The contract also contains the provisions for its cancellation and also for referring each and every dispute to Chief Municipal Officer. Petitioner deposited total sum of Rs.45,000/-. (Rupees Forty-five thousand only). Vide order dated 31/03/2006 issued by Chief Executive Officer, he was authorized to recover *"Paryavaran Shulk"* from Ist of April, 2006. Respondent No.2 after obtaining enquiry report from Assistant Revenue Inspector finding breach of terms of contract vide order dated 07/04/2006 cancelled the agreement. Feeling aggrieved, this writ petition for following reliefs:	

(पीछे देखिये)

XI-HC-22

58

57

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

"7.1. That the impugned order dated 07/04/2006 (Annexure P/8) issued by the Nagar Panchayat Gharghoda be set aside/quashed.

7.2. The respondents be directed to allow the petitioner to carry out the work of "*Paryavaran Shulk*" (Environmental Fee) till 31/03/2007. The respondents and particularly the Respondent No.2 be further directed not to create any hurdle in performance of the work of the petitioner.

7.3. That the respondents be directed to produce the entire record before this Hon'ble Court pertaining to the allegations as leveled in the impugned order.

7.4. Any other relief(s) may also be given to the petitioner, which this Hon'ble court may deem fit and proper in the facts and circumstances of the case."

For breach of contract, damages and injunction remedy by way of civil suit was available and in accordance with Order 39, Rule 2 of the C.P.C.,. temporary injunction could have been claimed, even Order 39, Rule 3 of the C.P.C., ex parte injunction can be claimed. Petitioner without taking recourse to the aforesaid forum, has filed this petition. To say that petitioner had only option to approach this Court for efficacious remedy, that does not appear to be sound. Petitioner has already other forum available for his remedy, even for urgent and efficacious remedy.

With the aforesaid observation, the petition is dismissed. However, petitioner, if advised, may take necessary steps to invoke the jurisdiction of Civil Court for his redressal. No costs.

Sd/-
V.K. Shrivastava
Judge

(पीछे दाखय)

RESPONDENT(S)/NON APPLICANT(S)